

Message Text

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C O N F I D E N T I A L MANILA 3537

E. O. 11652: GDS
TAGS: PINT, SHUM, RP
SUBJECT: LEGISLATIVE ELECTIONS: MARCOS PROMISES TO RELINQUISH
LEGISLATIVE POWERS AFTER ELECTIONS

1. BEGIN SUMMARY: PRESIDENT MARCOS ANNOUNCED ON TV MARCH 2
THAT HE WILL "VOLUNTARILY" RELINQUISH HIS MARTIAL LAW
LEGISLATIVE POWERS AS SOON AS THE INTERIM BATASANG PAMBANSA
(IBP) IS IN PLACE. UNDER THE AMENDED 1973 CONSTITUTION,
HE IS TO SHARE LEGISLATIVE POWER WITH THE IBP. WHILE THE
GESTURE WILL BE MEANINGLESS IN POWER TERMS, IT MIGHT BE SEEN AS A
WORTHWILE LEGAL STEP TOWARD NAORMALIZATION. END SUMMARY.

2. PRESIDENT MARCOS, IN A TELEVISED SPEECH TO YOUR CIVIL
SERVANTS AT MALACANANG MARCH 2, PROMISED TO GIVE UP HIS
MARTIAL LAW LEGISLATIVE POWERS AS SOON AS THE INTERIM
LEGISLATIVE ASSEMBLY MEETS. THE IBP MUST MEET WITHIN 30 DAYS
OF THE APRIL 7 ELECTIONS.

3. MARCOS WAS QUOTED IN MANILA PRESS AS SAYING: "I WILL
VOLUNTARILY TRANSFER THE LEGISLATIVE POWERS AT PRESENT VESTED
IN ME, WHICH THE SUPREME COURT HAS AFFIRMED, TO THE INTERIM
BATASANG PAMBANSA OR NATIONAL ASSEMBLY." SINCE HE IS
AUTOMATICALLY THE PRIME MINISTER, MARCOS SAID, HE CAN
CONTROL THE IBP'S AGENDA AND THUS FORESEES NO NEED TO
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COUNTERMAND THE IBP THROUGH HIS MARTIAL LAW AUTHORITY.
HE EXPRESSLY RETAINED TREATY RATIFICATION AS A POWER NOT
GIVEN TO THE IBP.

4.BACKGROUND. UNDER THE OCTOBER 1976 CONSTITUTIONAL
AMENDMENTS WHICH CREATED THE IBP, THE "INCUMBENT PRESIDENT"
SHARES LEGISLATIVE POWER WITH THE IBP. FOLLOWING IS RELEVANT

TEXT OF THE AMENDMENTS:

"(2) THE INTERIM BATASANG PAMBANSA SHALL HAVE THE SAME POWERS AND ITS MEMBERS SHALL HAVE THE SAME FUNCTIONS, RESPONSIBILITIES, RIGHTS, PRIVILEGES AND DISQUALIFICATIONS AS THE INTERIM NATIONAL ASSEMBLY AND THE REGULAR NATIONAL ASSEMBLY AND THE MEMBERS THEREOF. HOWEVER, IT SHALL NOT EXERCISE THE POWER PROVIDED IN ARTICLE VIII, SECTION 14(1) OF THE CONSTITUTION (I.E., TREATY RATIFICATION). ...

"(5) THE INCUMBENT PRESIDENT SHALL CONTINUE TO EXERCISE LEGISLATIVE POWERS UNTIL MARTIAL LAW SHALL HAVE BEEN LIFTED.

"(6) WHENEVER IN THE JUDGMENT OF THE PRESIDENT (PRIME MINISTER), THERE EXISTS A GRAVE EMERGENCY OR A THREAT OR IMMINENCE THEREOF, OR WHENEVER THE INTERIM BATASANG PAMBANSA OR THE REGULAR NATIONAL ASSEMBLY FAILS OR IS UNABLE TO ACT ADEQUATELY ON ANY MATTER FOR ANY REASON THAT IN HIS JUDGMENT REQUIRES IMMEDIATE ACTION, HE MAY, IN ORDER TO MEET THE EXIGENCY, ISSUE THE NECESSARY DECREES, ORDERS OR LETTERS OF INSTRUCTIONS, WHICH SHALL FORM PART OF THE LAW OF THE LAND."

5. COMMENT: MARCOS REPEATED THE STATEMENT AT A RALLY
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LATER THE SAME DAY, SO HE APPEARS TO MEAN IT. HOWEVER, WE EXPECT HIM TO HAVE FULL CONTROL OVER THE IBP, BOTH AS PRIME MINISTER AND AS UNDISPUTED LEADER OF THE KBL PARTY WHICH IS ALMOST SURE TO HAVE AN OVERWHELMING MAJORITY. THUS, IN TERMS OF REAL POWER-SHARING, THE STATEMENT IS VIRTUALLY MEANINGLESS. MARCOS' PROMISE, IF CARRIED OUT, DOES AT LEAST HOLD OUT THE THEORETICAL POSSIBILITY THAT THEIBP COULD ENACT LEGISLATION ON ITS OWN INITIATIVE. AS SUCH, FROM A LEGALISTIC -- AND ALSO PUBLIC RELATIONS -- POINT OF VIEW, THE MOVE MIGHT BE SEEN AS A WORTHWHILE STEP TOWARD NORMALIZATION. NEVERTHELESS, MARTIAL LAW REMAINS.
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